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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,821	11/13/2000	Todd M. Kinsella	A-70036/RMS/JJD	9149

959 7590 05/06/2003

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

PONNALURI, PADMASHRI

ART UNIT	PAPER NUMBER
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1639

DATE MAILED: 05/06/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/712,821	11/13/00		

EXAMINER	
P. Ponnaluri	
ART UNIT	PAPER NUMBER
1639	18

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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

Application No.: 09/712,821

Art Unit: 1639

1. The reply filed on 2/5/03, paper number 17, is not fully responsive to the prior Office action because of the following omission(s) or matter(s): applicants have amended claims 19, 21-22, 24-25, 27, 30-33 and added new claims 38-45, and **elected group II (claims 21-24, 32-33) with traverse**; and elected 2a site as site for separation of two selection genes; and elected Renilla mulleri GFP as the additional selection gene. Applicants election of group II invention and species election of '2a site and Renilla mulleri GFP' have been considered.

The newly added claim 38-45 may be combined with group II claims, and applicants arguments for election with traversal will be addressed in the next office action.

2. Upon further reviewing of applicants election clarification of the following is requested.

A) Applicants in the response to the election of species stated that '2a site and the IRES site are

both species of sites which allows for separation of the two selection genes. And applicants have elected '2a site' ~~as the site~~ as the site for separation of two selection genes. However, the elected independent claim 21 recites that the vector comprises IRES site, which is not the elected species. None of the elected group II claims read on the elected species.

2) Applicants have elected GFP as the species of additional selection gene. However, the elected claims recite that the vector comprises first and second selection gene, and the first or second selection gene is HBEGF gene. ^{Amended} Claim 22 recites that the vector further comprises an additional selection gene. [^] That means the vectors according to claim 22 has 3 selection genes. Applicants have elected GFP as a selection gene, and HBEGF is the other selection gene, it is not clear whether the 3rd selection gene is present, and if present what is the location of the 3rd selection gene, and what would read on the 3rd selection gene.

Thus, the response is not proper. See 37 CAR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CAR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Ponnaluri whose telephone number is (703) 305-3884. The examiner is on ***Increased Flex Schedule*** and can normally be reached on Monday to Friday from 7.00 AM to 3.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached on (703) 306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

P. Ponnaluri
Patent Examiner
Technology Center 1600
Art Unit 1639
05 May 2003


PADMASHRI PONNALURI
PRIMARY EXAMINER